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## SENATE CONCURRENT RESOLUTION

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AUTHORIZING THE ISSUANCE OF A TERM LEASE AND NON-EXCLUSIVE  
EASEMENT FOR THE TIDE POOL STAIRS ENCROACHMENT PURPOSES IN  
THE MANELE-HULOPOE MARINE LIFE CONSERVATION DISTRICT ON THE  
ISLAND OF LANAI.

1 WHEREAS, the tidepool stairs and an associated swimming  
2 hole in the Manele-Hulopoe Marine Life Conservation District on  
3 the island of Lanai were created by the International Longshore  
4 and Warehouse Union during the Lanai pineapple strike of 1951  
5 and were reconstructed in 2006 to include a guard rail; and  
6

7 WHEREAS, the stairs, which were established prior to  
8 October 1, 1964, occupy approximately 25 square feet, subject to  
9 confirmation by the Department of Accounting and General  
10 Services, seaward of parcel 002, Pulawai, Lanai, identified by  
11 Tax Map Key: (2) 4-9-17; and  
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13 WHEREAS, the Office of Conservation and Coastal Lands of  
14 the Department of Land and Natural Resources concluded, after a  
15 visit to the site, that no further permits would be required for  
16 the stairs or their 2006 repair; and  
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18 WHEREAS, the Office of Conservation and Coastal Lands  
19 concluded that:  
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- 21 (1) The portion of the stairs in the Conservation District  
22 qualifies as a non-conforming use which is defined to  
23 mean "the lawful use of any... premises or land  
24 ...established prior to October 1, 1964" and that the  
25 repair to the stairs is exempt under section 13-5-  
26 7(e), Hawaii Administrative Rules, relating to repair  
27 or maintenance of a nonconforming structure; and  
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1 (2) The stairs were built prior to the enactment of  
2 chapter 343, Hawaii Revised Statutes, the  
3 Environmental Impact Statement law, and are therefore  
4 exempt from the chapter; and  
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6 WHEREAS, Lānaʻi Resorts, LLC, dba Pulama Lanai, agreed to a  
7 security deposit of \$250,000 to be applied to any future  
8 consideration amount or other applicable charges, and has  
9 provided to the Department of Land and Natural Resources a CAD  
10 map with a metes and bounds of the leased area, prepared by a  
11 licensed surveyor; and  
12

13 WHEREAS, on June 13, 2014, the Board of Land and Natural  
14 Resources approved Pulama Lanai's request for a 55-year term,  
15 non-exclusive easement for the tide pool stairs encroachment  
16 purposes; and  
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18 WHEREAS, section 171-53(c), Hawaii Revised Statutes,  
19 requires the approval of the Governor and prior authorization of  
20 the Legislature by concurrent resolution for the leasing of  
21 state submerged lands and lands beneath tidal waters; now,  
22 therefore,  
23

24 BE IT RESOLVED by the Senate of the Twenty-eighth  
25 Legislature of the State of Hawaii, Regular Session of 2015, the  
26 House of Representatives concurring, pursuant to section 171-53,  
27 Hawaii Revised Statutes, that the Board of Land and Natural  
28 Resources is authorized to issue a term lease of fifty-five  
29 years and non-exclusive easement for approximately 25 square  
30 feet, subject to confirmation by the Department of Accounting  
31 and General Services, seaward of parcel 002, Pulawai, Lanai,  
32 identified by Tax Map Key: (2) 4-9-17 for the tide pool stairs  
33 encroachment purposes; and  
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35 BE IT FURTHER RESOLVED that a certified copy of this  
36 Concurrent Resolution be transmitted to the Chairperson of the  
37 Board of Land and Natural Resources.  
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